

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1445 ROSS AVENUE, SUITE 1200 DALLAS, TX 75202-2733

FEB 2 7 2015

# GENERAL NOTICE LETTER -- URGENT LEGAL MATTER PROMPT REPLY NECESSARY, CERTIFIED MAIL: #7014 0150 0000 2452 8111 RETURN RECEIPT REQUESTED

Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company Registered Agent for Vam USA, LLC 211 E. 7th Street, Suite 620 Austin, Texas 78701-3218

RE:

General Notice Letter for the CES Environmental Services, Inc.- Houston Superfund Site in

Houston, Harris County, Texas

### Dear Sir/Madam:

The purpose of this letter is to notify you of your potential liability at the CES Environmental Services, Inc.-Houston Superfund Site (Site) and to invite you to join in settlement negotiations with the U.S. Environmental Protection Agency (EPA). The street address for the Site is 4904 Griggs Road, Houston, Harris County, Texas. The street addresses of the contiguous properties that are parts of the Site are 4900 Griggs Road and 5910 Wayland Street. The Site is surrounded by residential, educational and commercial properties. Based on available information, the EPA has determined that you may be responsible under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, for cleanup of the Site or costs the EPA has incurred in cleaning up the Site.

### **Explanation of Potential Liability**

A Superfund Site is a place that is contaminated with hazardous substances at levels that may present a threat to human health or the environment. Under Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606 and 9607, potentially responsible parties (PRPs) may be required to perform cleanup actions to protect the public health and welfare or the environment. PRPs may also be responsible for costs incurred by the EPA in cleaning up the Site. PRPs include current and former owners and operators of the Site, as well as persons who sent or transported hazardous substances to the Site for disposal or treatment or who arranged for the disposal or treatment of hazardous substances at the Site.

Under CERCLA, specifically Sections 106(a) and 107(a), PRPs may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by the EPA in cleaning up the Site, unless the PRP can show divisibility of harm or any of the statutory defenses. PRPs include current and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

You have been identified as a PRP who either sent hazardous substances for disposal or treatment to the Site or generated certain hazardous substances that the EPA has found at the Site. For this reason the attached General Notice concerning the removal action (Enclosure 1) is being sent to you. The General Notice requests your cooperation in conducting the on-going removal action at the Site and for reimbursement of past and future costs. Enclosure 2 contains copies of the documents used to identify you as a PRP. Enclosure 3 contains a list of the entities who are receiving this General Notice.

## Site Background

This Site is a former chemical recycling facility that filed for bankruptcy in 2010. Prior to the bankruptcy, the Site had been owned and operated by CES Environmental Services, Inc. The Site is now under the control of a Trustee for the Estate appointed by the Bankruptcy Court. The Estate does not have the funding necessary to address the conditions at the Site. The Site consists of approximately eleven vacuum boxes, two roll-off boxes, twelve frac tanks, two tanker trailers, 20 aboveground storage tanks, 15 waste water treatment tanks, waste piles, and numerous totes, vats, drums, and smaller containers. Additionally, there was spillage of chemicals to exterior surfaces as well as building interiors. The Site has experienced significant vandalism since its bankruptcy in 2010. Additionally, recent spills have occurred due to vandalism which has resulted in the spillage of chemicals and waste to the ground surface and into an adjacent residential neighborhood. Removal is time critical per the Action Memo.

The information provided by the Estate's consultant shows that there are hazardous wastes along with various hazardous substances within containers located on the Site. The hazardous substances include but are not limited to benzene (D018), creosol (D023-026), 2,4,6-trichlorophenol (D042), pH (D002), ignitability (D001), MEK (D035), and 1,2-dichloroethane (D028). These chemicals are hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. 9601(14), and further defined at 40 C.F.R. 302.4.

## Response Actions to Date

On or about September 3, 2014, the EPA mobilized its contractors to begin addressing the wastes and spills at the Site. The EPA's Time Critical Removal Action has addressed the following:

- 1. Management of stormwater to reduce off-site overflow of contaminated stormwater from the Site.
- 2. Removal of wastes from ten of twelve vacuum boxes and from two of two roll-off boxes.
- 3. Removal of wastes from eight of twelve frac tanks. Three frac tanks currently hold wastes.
- 4. Removal of liquid, i.e., pump able, wastes from eleven of twenty-three aboveground storage tanks (AST). Sludge and residual materials remain until sludge removal and tank cleaning of ASTs is completed.
- 5. Empty totes/drums have been segregated for temporary storage.
- 6. Waste piles dumped to the ground from the theft of seven roll-off boxes was removed by the Trustee.
- 7. Lab chemicals/company process samples were collected and disposed by the Trustee.
- 8. Process chemicals were collected and disposed by the Trustee.

Upon reviewing the enclosed General Notice, please provide a written response to Mr. Robert Werner, Enforcement Officer at 214-665-6724 within 60 calendar days after you receive this letter. Your response must identify of your intent to, or not to, enter into settlement negotiations with the EPA concerning this matter. Please mail your written response to Mr. Werner at the address that appears in the General Notice.

We look forward to working with you during the coming months.

Sincerely yours,

Carl E. Edlund, P.E.
Director

Superfund Division

Enclosures (4)

# ENCLOSURE 1 GENERAL NOTICE REGARDING CES ENVIRONMENTAL SERVICES, INC.- HOUSTON HOUSTON, HARRIS COUNTY, TEXAS

This General Notice is from the U.S. Environmental Protection Agency (EPA). This General Notice is directed to you, the Potentially Responsible Party (PRP) of the CES Environmental Services, Inc.- Houston Site (Site). This General Notice does five things:

- 1. This General Notice tells you that you may be responsible for the presence of hazardous substances found at the Site. When we say "Site" or "property" in this General Notice, we mean the CES Environmental Services, Inc.- Houston Site. The street address for the Site is 4904 Griggs Road, Houston, Harris County, Texas. The street addresses of the contiguous properties that are parts of the Site are 4900 Griggs Road and 5910 Wayland Street. This General Notice is issued under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund).
- 2. This General Notice provides you with background information leading up to the EPA's investigation of the Site and the EPA's activities to determine the source(s) of the contamination at the Site.
- 3. This General Notice invites you to meet and enter a settlement with the EPA as a Settling Party regarding the cleanup of this Site and cooperation in conducting the on-going removal action at the Site and for reimbursement of past and future costs.
- 4. This General Notice advises you that, if you request the EPA to do so, the EPA will consider your ability to pay in determining an appropriate settlement amount.
- 5. This General Notice provides to you the names of all entities, i.e., PRPs, to which this General Notice will be mailed.

# NOTICE THAT YOU MAY BE LIABLE

Under Section 107 of CERCLA, 42 U.S.C. § 9607, responsible parties are those who are current owners or operators of a facility, past owners or operators who owned or operated the facility at the time hazardous substances were released or disposed of at the facility, persons who arranged for disposal or treatment at the facility (usually the person(s) who generated the hazardous substance) or persons who selected that facility and transported the hazardous substances to the facility. Section 107 of CERCLA, 42 U.S.C. § 9607, states that responsible parties are liable to the United States for the costs it has incurred or will incur conducting a response action such as that proposed for the Site. A PRP is therefore responsible for performing the cleanup action in accordance with the EPA requirements, paying for the cleanup by the EPA and reimbursing the Federal Government for past and future costs of the cleanup activities.

# **BACKGROUND**

This Site is a former chemical recycling facility that filed for bankruptcy in 2010. Prior to the bankruptcy, the Site had been owned and operated by CES Environmental Services, Inc. The Site is now under the control of a Trustee for the Estate appointed by the Bankruptcy Court. The Estate does not have the funding necessary to address the conditions at the Site. The Site consists of approximately eleven vacuum boxes, two roll-off boxes, twelve frac tanks, two tanker trailers, twenty aboveground storage tanks, fifteen waste water treatment tanks, waste piles, and numerous totes, vats, drums, and smaller containers. Additionally, there is spillage of

chemicals to exterior surfaces as well as building interiors. The Site has experienced significant vandalism since its bankruptcy in 2010. Additionally, recent spills have occurred due to vandalism which has resulted in the spillage of chemicals and waste to the ground surface and into an adjacent residential neighborhood. Emergency responses to these spills have involved the Estate, City of Houston, Texas Commission on Environmental Quality (TCEQ) and the EPA. These spill responses were addressed by TCEQ and the EPA.

The information provided by the Estate's consultant shows that there are hazardous wastes along with various hazardous substances within containers located on the Site. The hazardous substances include but are not limited to Benzene (D018), Creosol (D023-026), 2,4,6-Trichlorophenol (D042), pH (D002), Ignitability (D001), MEK (D035), and 1,2-Dichloroethane (D028). These chemicals are hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. 9601(14), and further defined at 40 C.F.R. 302.4.

# Response Actions to Date

On or about September 3, 2014, the EPA mobilized its contractors to begin addressing the wastes and spills at the Site. As of December 19, 2014, the EPA Team has addressed the following:

- 1. Management of stormwater to reduce off-site overflow of contaminated stormwater from the Site.
- 2. Removal of wastes from ten of twelve vacuum boxes and from two of two roll-off boxes.
- 3. Removal of wastes from eight of twelve frac tanks. Three frac tanks currently hold wastes.
- 4. Removal of liquid, i.e., pump able, wastes from eleven of twenty-three aboveground storage tanks (AST). Sludge and residual materials remain until sludge removal and tank cleaning of ASTs is completed.
- 5. Empty totes/drums have been segregated for temporary storage.
- 6. Waste piles dumped to the ground from the theft of seven roll-off boxes was removed by the Trustee.
- 7. Lab chemicals/company process samples were collected and disposed by the Trustee.
- 8. Process chemicals were collected and disposed by the Trustee.

## **PARTICIPATION**

The EPA is inviting you to enter into a settlement with the EPA. In addition to avoiding the costs of litigation, settling with the EPA provides you with another advantage. Under the Superfund law, settling with the EPA helps protect you should another responsible party sue you for costs which that party pays to the EPA. Also, if you choose not to settle with the EPA, then the EPA may take civil administrative action and, ultimately, the EPA may request civil judicial action. A list of entities receiving this General Notice letter is included as Enclosure 3 to this letter.

### OPPORTUNITY TO MEET

The EPA will also provide you the opportunity to meet with the EPA representatives to discuss your desire to enter into a settlement with the EPA.

# FINANCIAL CONCERNS/ABILITY TO PAY SETTLEMENTS

The EPA is aware the financial ability of some PRPs to contribute toward the cleanup and/or payment of response costs at a site may be substantially limited. If you believe and can document that you fall within that category, please contact Mr. Robert Werner at 214-665-6724 for information on "Ability to Pay Settlements." In response, you will receive a package of information about the potential for such settlements. If the EPA concludes that you have a legitimate inability to pay the full amount of the EPA's costs, the EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Also, please note that because the EPA has a potential claim against you, if your financial status changes in any significant way, i.e., filing for bankruptcy, you must include the EPA as a creditor.

# RESOURCES AND INFORMATION FOR SMALL BUSINESSES

On January 11, 2002, President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at:

http://www.epa.gov/swerosps/bf/sblrbra.htm

and review the EPA guidance regarding these exemptions at:

http://www.epa.gov/compliance/resources/policies/cleanup/superfund

The EPA has created a number of helpful resources for small businesses. The EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers, which offer various forms of resources to small businesses. You may inquire about these resources at <a href="https://www.epa.gov.">www.epa.gov.</a>

In addition, the EPA Small Business Ombudsman may be contacted at <a href="www.epa.gov/sbo">www.epa.gov/sbo</a>. Finally, the EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act (SBREFA), which is enclosed with this letter (Enclosure 4).

# YOUR RESPONSE TO EPA

Please notify Mr. Werner in writing at the address indicated below within 60 calendar days after you receive this letter to indicate your willingness to enter in good faith as a Settling Party. If the EPA does not receive your written response within 60 calendar days after you receive this letter, the EPA will assume you do not wish be a Settling Party and the EPA will then take whatever actions are necessary to abate the potential threat to human health and the environment posed by contaminants on the property.

# Your response to this letter should be directed to:

Mr. Robert Werner Enforcement Officer (6SF-TE) United States Environmental Protection Agency Region 6 1445 Ross Avenue Dallas, Texas 75202 Telephone: 214-665-6724, Fax: 214-665-6660

werner.robert@epa.gov

If you or your attorney have legal questions pertaining to this matter, please direct them to:

Ms. Amy Salinas
Assistant Regional Counsel (6RC-S)
United States Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, Texas 75202
Telephone: 214-665-8063, Fax: 214-665-6460

salinas.amy@epa.gov

The discussions of fact or law in this General Notice are meant to help you understand CERCLA and the EPA's actions at the Site. The discussions of fact and law are not final positions on any matter discussed in this General Notice.

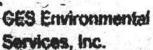
# ENCLOSURE 2 GENERAL NOTICE REGARDING CES ENVIRONMENTAL SERVICES, INC.- HOUSTON HOUSTON, HARRIS COUNTY, TEXAS

## **EVIDENTIARY DOCUMENTATION**

## SAMPLES OF EVIDENCE

Enclosed are copies of samples of documented evidence that identifies the name of your company. The examples are not intended to represent all the evidence in CES records. It is only a representative sample that identifies:

- 1. A waste hazardous substance that was generated by your company and was transported to the Site for disposal and/or recycling, or
- 2. A waste hazardous substance that was generated by your company and that was transported in a CES tanker trailer to a facility other than the Site for disposal and/or recycling. The EPA believes that residue of the waste hazardous substance that had been transported in the CES tanker trailer was released at the Site when the interior of the CES tanker trailer was cleaned at the Site.



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Receiving Facility CES Environmental Services, Inc.

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Please print or type. (Form designed for use on elite (12-pitch) typewriter.) Form Approved. OMB No. 2050-0039 Emergency Response Phone (281) 230-5747 4. Manifest Tracking Number UNIFORM HAZARDOUS 1. Generator ID Nu TXD991304155 004018292 **JJK WASTE MANIFEST** Generator's Site Address (if different than mailing address) 5. Seperator's Name and Mailing Address State ID: 33140 19210 Hardy Road 19210 Hardy Road louston, TX 77073 Houston, TX 77073 Generator's Phone: (281) 230-5747 (281) 230-5747 TXD008950461 CES Environmental Services, Inc. State ID 30900 U.S. EPA ID Number 7. Transporter 2 Company Name U.S. EPA ID Number 8. Designated Facility Name and Site Address State ID 39048 4904 Griggs Rd. douston TX, 77021 TXD008950461 (713) 676-1460 Facility's Phone: 9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, 10. Containers 12. Unit 11. Total 13. Waste Codes and Packing Group (if any)) HM Quantity Wt./Vol. No. Type Non-RCRA/Non DOT regulated material (Phosphate Liquids) 00021031 GENERATOR 4050 Non-RCRA/Non DOT regulated waste sludge (phosphate sludge) DM 00035131 800 a 14 Special Handling Jostpuctions and Additional Information CES Profile # CES Job # - 65219 - Non-Bulk Disposals lia) 1165 11b) 1072 11c) 11d) 15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and tabeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Adinow I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity gene tor) or (b) (if I am a small quantity generator) is true Generator's/Offeror's Printed/Typed Name Sevui Import to U.S. Port of entry/exit: Transporter signature (for exports only): Date leaving U.S. 17. Transporter Acknowledgment of Receipt of Materials 18. Discrepancy 18a. Discrepancy Indication Space Туре Quantity Residue Partial Rejection Full Rejection Manifest Reference Number: 18b. Alternate Facility (or Generator) U.S. EPA ID Number Facility's Phone: 18c. Signature of Alternate Facility (or Generator) Day 19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems) 20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a Day ROWN EPA Form 8700-22 (Rev. 3-05) Previous editions are obsolete. DESIGNATED FACILITY TO DESTINATION STATE (IF REQUIRED)

Description of Materials, Special Marks, and Exceptions

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Shir	oper x	CES E	nvironm	ental Se	ervices, Inc.
)er	:_B	rent	8:1	ig	Signature: Brent Sitty Date: 06/02/08
	rier C	S Env	ronmer	ital Ser	vices, Inc.
Per	:	Oren	tai	Tig	Signature: Brent Sittly Date: 0402/08
			y VAM		
Per	: 0	noite	- Gal	JONA	Signature: Date: 6/2/08
Whit	e (Generate	or Return	Copy)	Yellow	(Transporter Copy) Pink (Receiving Facility Copy) Golden Rod (Generator 1st Copy)

UNIFORMHAZARDOUS	gned for use on elite (12-pitch)								OMB No.	2050-00
	INDAATONATO	5 / 33140		(281) 23			401	628	0 J	IK
5 Generally's Name and Mail 19210 Hardy Road Houston, TX 77073 (281) Generator's Phone:	ing Address ) 230-5747		19	erator Site Address 210 Handy Roc ouston , TX 770	ed		88)			
CES-ENVIORMEN	Mal Services, Inc.					U.STEXO	10895	0461/	3090	0
7. Transporter 2 Company Nar	me					U.S. EPA ID I	Number			
erbeigneted Fanility Names 4904 Griggs Rd. Houston TX, 77021	of Siz Address					U.S. EPA ID				34
	3) 676-1460					TXD	00895	0461	3904	8
	tion (including Proper Shipping Nan fany))	ie, Hazard Class, ID Numbe	er,	10. Cont	ainers	11. Total Quantity	12. Unit Wt./Vol.	13.	Waste Code	9
A SECTION AND ADDRESS OF THE PARTY OF THE PA	DOT regulated materi	al (Phosphate Liq	uids)	3	DM	600	P	00021	)31	
Mon-RCRA/Non	DOT regulated waste	sludge (phosphat	e sludge)	1	DM	200	P	00035	L31	
Bion-RCRA/Non	DOT regulated waste	solids (sandblast	media)	12	DM	400	Р	00214	90,2	
4.						100				
11a) 1165  15. GENERATOR'S/OFFER marked and labeled/place	Bulk Disposals  11b) 1872  OR'S CERTIFICATION: I hereby darded, and are in all respects in pro	lectare that the contents of oper condition for transport a	according to applicable thed EPA Acknowledge	ully and accurately of international and name of Consent.	ational govern	11d) re by the proper si		e, and are cla		
					4			Mor	nth Day	Yea
I certify that the waste mi Genegator's/Offeror's Printed/T	inimization statement identified in 4 Typed Name		Signatu	Moul	H	1110	9	10	511病	1/19
I certify that the waste mi Generator's/Offeror's Printed/T	inimization statement identified in 4 Typed Name  Import to U.S.		Signatur Export from U.S.	Marcell Port of a	entry/exit:	arox		10	5115	10
I certify that the waste mi Generator's/Offeror's Printed/T Marcul 16/International Shipments Transporter signature (for exp	inimization statement identified in 4 Typed Name Import to U.S. ports only):			Marcell Port of a		2104		10	5115	108
I certify that the waste mi Generator's/Offeror's Printed/T Marcul 16 International Shipments Transporter signature (for exp	inimization statement identified in 4 Typed Name Import to U.S. ports only): and of Receipt of Materials		Export from U.S.	Port of a Date less	entry/exit:	ar 10#		Mor	nth Day	Year
I certify that the waste mi Genegator's/Offeror's Printed/T  16 Vinternational Shipments  Transporter signature (for exp  17. Transporter Acknowledgme	inimization statement identified in 4 Typed Name Import to U.S. ports only): and of Receipt of Materials	2	Export from U.S.	Port of a Date less	entry/exit:	Agy	CZ-		nth Day	Yea
I certify that the waste mi Generator's/Offeror's Printed/T  16 International Shipments Transporter signature (for exp 17. Transporter Acknowledgme Transporter 1 Printed/Typed N  Transporter 2 Printed/Typed N	Inimization statement identified in 4 Typed Name Import to U.S. ports only): and of Receipt of Materials arms		Export from U.S.	Port of a Date leader	entry/exit:	A GV  □ Partial Re	CZ_ jection	Mor Mor	nth Day	Yea Yea
I certify that the waste mi Generator's/Offeror's Printed/T  16 International Shipments  Transporter signature (for exp 17. Transporter Acknowledgme Transporter 1 Printed/Typed N  Transporter 2 Printed/Typed N  18. Discrepancy 18a. Discrepancy Indication Si	inimization statement identified in 4 Typed Name  Import to U.S. ports only): ant of Receipt of Materials ame  Quantity	2	Export from U.S.	Port of or Date leading	entry/exit:	ngu		Mor Mor	nth Day	Yea Yea
I certify that the waste mi Genegator's/Offeror's Printed/T  A. C.  I follower of the control of	inimization statement identified in 4 Typed Name  Import to U.S.  corts only):  Int of Receipt of Materials  ame  Quantity  critical (or Generator)		Export from U.S.  Signatur	Port of or Date leader	entry/exit:	<b>19</b> □ Partial Re		Mor Mor IO	nth Day	Year Year Year Year Year Year Year Year
I certify that the waste mi Generator's/Offeror's Printed/T  I for international Shipments  Transporter signature (for exp 17. Transporter Acknowledgme Transporter Printed/Typed N  Transporter Printed/Typed N  18. Discrepancy 18a. Discrepancy Indication Si 18b. Alternate Facility (or Generative Printed/Typed N  Facility's Phone: 18c. Signature of Alternate Facility	Inimization statement identified in 4 Typed Name  Import to U.S.  Import to U.S.  Into of Receipt of Materials  Import of Quantity  Pace  Quantity		Export from U.S.  Signatur	Port of or Date leader	entry/exit:	<b>19</b> □ Partial Re		Mor Mor IO	nth Day 15 115	Year Year Year Year Year Year Year
I certify that the waste mi Generator's/Offeror's Printed/T  In Arc C  16 International Shipments  Transporter signature (for exp 17. Transporter Acknowledgme Transporter 1 Printed/Typed N  18. Discrepancy 18a. Discrepancy Indication Si 18b. Alternate Facility (or Generative Signature of Alternate Facility's Phone: 18c. Signature of Alternate Facility In Hazardous Waste Report In Inc. 19. Hazardous Waste Report Inc. 1	inimization statement identified in 4 Typed Name  Import to U.S.  corts only):  Int of Receipt of Materials  ame  Quantity  critical (or Generator)		Export from U.S.  Signatur  Signatur  Signatur  3.	Port of or Date leader	entry/exit:	☐ Partial Re		Mor Moi JQ	nth Day 15 115	Year Year Year Year Year Year Year Year



# **NON-HAZARDOUS WASTE MANIFEST**

MANIFEST NO.

201236

GENERATOR INFORMATION	(To be completed by the GE	NERATOR)	
Company VAM PTS	Owner/Manager (Prin	FIM CARROLL Phone 213-1	23-1469
Generator's Address 2210 HAR	DY ROAD city He	NISTON TEXAS ZID	Code 77073
City/TCEQ Registration No		L. E. S. Profile # 19569/	
TYPE OF WASTE GENERATED:			
Sewage sludge	Industrial/Nonhazardous	CAPACITY of waste facility	500
Grease Trap	Grit Trap		
Other NOW IMUSTRAL	Lint Trap		
HT			
GENERATOR'S CERTIFICATION: I her applicable state law or any applicable	reby certify that the above named mater regulation, has been properly describe	rial is not a hazardous waste as defined by 4 d. and the information provided above is c	O CFR Part 261 or any omplete, true and accu-
rate. If the generator site is located with	nin the city limits of Houston, then I als being transported off-site. Retain both	d, and the information provided above is c o agree to secure the GENERATOR RETURI the GENERATOR (white) copy and the GEN	V (yellow) copy from the ERATOR RETURN (yel-
	S2 S	the GENERATOR (white) copy and the GEN Falsification of this document is punishable	by a fine up to \$20,000.
Owner/Manager Signatur	Conoll	Date <u>05 - 19</u>	-05
TRANSPORTER INFORMATION (To	be completed by the TRANSPORT	ER) TCEQ# 2334	9
Name of Transporter Co. LES	OF TEXHS	Phone # 7/3	-673-2955
City Permit # 642	Truck # 785363	License #2C V 136	
City Permit # 642  Decal letter	Truck Capacity 2000	License # 2 C V 836  Quantity of waste removed 6,3	500
			The same of the sa
		er's Name HENIC TOR	
Name of Disposal Site £5	OF /EXHS Add	resZOGENHORNHOUSTON TI	77013
I hereby certify that the above named mat incident to the destination listed below. I d within the city limits of Houston.	erial was picked up at the generator site l agree to comply with the City of Houston	isted above on the shipment date written above Code of Ordinances, Chapter 47, article II if g	and delivered with out enerator site is located
Driver's Signature	Lows	Date <u>05-</u> /	9-05
SECONDARY TRANSPORTER INFO	RMATION (To be completed by the	SECONDARY TRANSPORTER) TCEQ#	
Company	City Permi	t # Truck #	
Mailing Address		Name	
I hamby cartify that the above named wat	avial was nicked up at the gangestor site	icted above on the chinmont data written above	and delinered without
within the city limits of Houston	Control of the contro	isted above on the shipment date written above Code of Ordinances, Chapter 47, article II if g	
Driver's Signature	HOLL	ENVIRONMENTAL SOI	LUTIONS
DISPOSER INFORMATION (To be co	ompleted by the DISPOSAL SITE O	PERATORNYE TEXAS LP	的。 第二章
		************************************	TX 77013
Company Disposal Site Location		HORN DR HOUS IN AND 2005	,
QUANTITY of waste received	1 - 50	- Marine 100E.s (713)-673-2995	
		TCEO PERMIT #2234A above named wansportsecondary transporter	
(I hereby certify that the waste manifested this facility for disposal.)	above was transported to this site by the	above named ransportsecondary transporter	and was accepted by
Owner/Manager Signature	Time	Date 5-10	1-05



# NON-HAZARDOUS WASTE MANIFEST

MANIFEST NO.

201229

GENERATOR INFORMATION	(To be completed by the GEN	ERATOR)	
Company VAm Pus	Owner/Manager (Print)	Xim CARRILL	Phone 7/38231469
Generator's Address 19210	Har DV RD City H	duston TV	Zip Code
City/TCEQ Registration No.	Har Dy RD City H	L. E. S. Profile #	19569/
TYPE OF WASTE GENERATED:			
Sewage sludge	Industrial/Nonhazardous	CAPACITY of was	te facility 5/33
Grease Trap	Grit Trap		4
Other Mon-Industrial	Lint Trap		
GENERATOR'S CERTIFICATION: I applicable state law or any application rate. If the generator site is located Transporter within 15 days of the wolow) copy on-site for minimum of fig.	hereby certify that the above named materia ble regulation, has been properly described, within the city limits of Houston, then I also aste being transported off-site. Retain both th ye (5) years from the date on the manifest. F	il is not a hazardous waste and the information provid agree to secure the GENER te GENERATOR (white) cop alsification of this document	as defined by 40 CFR Part 261 or ed , above is complete true and a ATOR RETURN (yellow) copy from y and the GENERATOR RETURN ( is punishable by a fine up to \$20,0
Owner/Manager Signature	a Canell	Date	5-24-05
TRANSPORTER INFORMATION	(To be completed by the TRANSPORTE	R) TCEQ#	23345
Name of Transporter Co.	25 of -x	F	Phone # 7/36732996
City Permit # 6 4/2	Truck#_978800	_License # P.6	W V 24
Decal letter	Truck # 978800 Truck Capacity 5500	Quantity of waste rer	moved
Mailing Address 3.506e	5 of TX Address	's Name Khod	bock
I hereby certify that the above named incident to the destination listed below within the city limits of Houston.	material was picked up at the generator site lis . I agree to comply with the City of Houston Co	ted above on the shipment dat ode of Ordinances, Chapter 4	e written above and delivered with o 7, article II if generator site is locate
Driver's Signature Khod	obelally	Date	5-24-5
SECONDARY TRANSPORTER IN	FORMATION (To be completed by the S		TER) TCEQ#
Company	The state of the s	#Tru	
Mailing Address	Driver's Na		
I hereby certify that the above named incident to the destination listed below within the city limits of Houston.	material was picked up at the generator site lis . I agree to comply with the City of Houston Co	ted above on the shipment dat ode of Ordinances, Chapter 4	e written above and delivered witho 7, article II if generator site is locate
Driver's Signature	T TOTAL	Date	9 .
DISPOSER INFORMATION (To be	completed by the DISPOSAL SITE OF	WE DO WE THE YOR OF TAN ON ALL VALUE OF A	NIALSOLUTIONS
Company	Owner/Manag	UF 1EXA	AS, LP
Disposal Site Location	250 GF	MARIA DR H	OUSTON TX 77013
QUANTITY of waste received _	5133	Pe@PFICE: (713	1-673-2995
(I hereby certify that the waste manifes this facility for disposal.)	sted above was transported to this site by the al	bove Tamel transport Roll for	Traff \$19594 And was accepted by
Owner/Manager Signature	K UUU Time_	Date _	5/24/08
gestern industries			ST 10 THE REST.

CES Environmental Services, Inc.

4904 Griggs Rd. Houston, TX 77021

Office: (713) 676-1460 Fax: (713) 676-1676 Bill Of Lading #:

15905

Original - Shipper Provided Short Form Straight Bill of Lading - Not Negotiable - Domestic

RECEIVED, subject to the contract in effect on the date of the issue of this Bill of Lading.

SHIPPED FROM: CES#
VAM-PTS 11a) | 0 6 |
19210 Hardy Rd 11b)
Houston , TX 77073 11c)

The property described below, in appearant good order, except as noted (content and condition of packages unknown), marked, consigned, and destined as indicated below, which said carrier (the word carrier being understood throughout this as meaning any person or corporation authorized to be in possession of the property under the contract) agrees to carry to its unusual place of delivery at said destination, if on its route, otherwise to deliver to another carrier on the route to said destination. This Bill of Lading is a receipt for goods; it is not of itself a contract of carriage. It is mutually agreed, as to each carrier of all ones to any said over all or any portion of said route to destination, and an to each party at any time interested in all or any of said property, that every service to be performed hersunder shall be subject to all the terms and conditions contained in the applicable contract between shipper and carrier or intermediary.

For payment: Charges to be billed to Shipper or the "Billed to" party are set forth in the governing contract with Shipper. No charges other than those contained therein may be billed to Shipper or the "Billed to" party without prior written consent of Shipper. The extra copy of this Bill of Lading, furnished at the time of shipment, must be attached to the freight bill submitted to Shipper or the "Billed to" party and sent to:

CONSIGNED TO:

CES Environmental Services, Inc.

4904 Griggs Rd.

Houston, TX 77021

**CARRIER:** 

CES Environmental Services, Inc.

4904 Griggs Rd.

Houston, TX 77021

This is to certify that the product stated below are properly classified, described, packaged, marked and labeled and is in proper condition for transportation according to the applicable regulations of the Department of Transportation. If this Shipment moves between to ports by a carrier by water, the law requires that the Bill of Lading shall state whether it is "carrier's or shipper's weight."

Intermedal Certificate: All information required by Federal Fághesy Administration requisitions at 49 CFR 390.540 implementing the intermedal Safe Container Act of 1992 is set forth on the face of this bill of leding. This shipper name herein is the tendening party.

### FOR CHEMICAL EMERGENCY CALL - Matt Bowman (713) 826-1329 or Sean Easton (713) 416-4160

Haz	Contr	elner	Total	Unit	Description of Materials, Special Marks,	and Exceptions
f	No.	Туре	Quantity	MANO	10.5	
No	1	π	60.0	G	Recyclable hydrocarbon and v	vater mixture
		****		-		
Victoria de la companio						
				7		
Ship	per:_	VAM-F	TS	12- 4-		
Per	:_ <i>V</i>	INCENT	WHOTT		Signature :	Date : 11-17-05
Carr	ier C	Charles and the last	-		rices, Inc	
Per	:/	06	MARK	2/1/1	Signature all andito	_ Date: 1/17/05
Rec	iving	Facilit	y : CES	Environ	rnental Services, Inc.	
Per	:	1	Ci	TAIA	Signature :	Date : 11/17/05
	/			1 1	A A A A A A A A A A A A A A A A A A A	

CES Environmental Services, Inc 4994 Griggs Rd.

Houston, TX 77821 Office: (713) 676-1460 Fax: (713) 676-1676 Bill Of Lading #:

15947

Original - Shipper Provided Short Form Straight Bill of Lading - Not Negotiable - Domestic

RECEIVED, subject to the contract in effect on the date of the issue of this Bill of Lading.

The property described below, in appearet good order, except as noted (content and condition of packages unknown), started, consigned, and destined as indicated below, which said cerrier (the word cerrier being understood throughout this as meeting any person or corporation authorized to be in possession of the property under the contract) agrees to cerry to its unusual place of delivery at said destination, if on its route, otherwise to deliver to another certier on the route to said destination. This till of Lading is a receipt for goods; it is not of itself a contract of certiges. It is mutually agreed, as to each certier of all or as to any said over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the terms and conditions contained in the applicable contract between shipper and certier or intermediary.

For payment: Charges to be billed to Shipper or the "Billed to" party are set forth in the governing contract with Shipper. No charges other than those contained therein may be billed to Shipper or the "Billed to" party without prior written consent of Shipper. The entre copy of this Bill of Lading, furnished at the time of shipment, must be attached to the freight bill submitted to Shipper or the "Billed to" party and sent to:

**CONSIGNED TO:** 

CES Environmental Services, Inc.

4904 Griggs Rd.

Houston, TX 77021

White (Generator Return Copy)

CARRIER:

CES Environmental Services, Inc.

4904 Griggs Rd.

Houston, TX 77021

Pink (Receiving Facility Copy)

This is to certify that the product stated below are properly classified, described, packaged, marked and labeled and is in proper condition for transportation according to the applicable regulations of the Department of Transportation. If this Shipment moves between to ports by a carrier by water, the law requires that the Bill of Lading shall state whether it is "carrier's or shipper's weight."

Intermedal Cartificate: All information required by Federal Highway Administration regulations at 49 CFR 390.540 implementing the Intermedal Safe Container Act of 1992 is set further total participation of this bill of federal Tree shipper name hierain is the teaching and the second

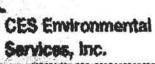
#### FOR CHEMICAL EMERGENCY CALL - Matt Bowmen (713) 826-1329 or Sean Easton (713) 416-4169

Haz	Cont	winer	Tôtal	Unit	Description of Materials, Special Marks, and Exceptions	1
	No.	Туре	Quantity	WWVoi		
No	1	π	1000	G	Recyclable hydrocarbon and water minture	
		. 1	-			
		-		541		
		-		17		
Ship	per:	VAM F	T\$	443		
- 7				-	Signature: Date: 11/16	-95
<u></u>	C	ES Em	immen	tol Serv	rices, Inc	
Carr	ler S				nces, my	1
Per	: _	105	- (MR	RUIL	Signature: 10 (2 Date:11) 18	105
Rece	dving	Facilit	y : CES	Environ	mental Services, Inc.	
Per			OJTA.		Signature: Date: 111	8/05
						- Andrews

Yellow (Transporter Copy)

Golden Rod (Generator 1st Copy)

# 105



(281) 230-5747

Bill Of Lading #:

50679

Folder (1):	VAM-PTS (Hardy Road) Esit-Oily Water	17	
Original – S	Shipper Provided Short For	m Straight Bill of Lading – Not Negotiable – Domestic	
SHIPPED	FROM:	CES Profile #	
VAM-PTS		11a) 1061	
19210 Hai	rdy Rd	11b)	
Houston,	TX 77073	ffc)	

The property described below, in apparent good order, except as noted (content and condition of packages unknown), marked, consigned, and destined as indicated below, which said carrier (the word carrier being understood throughout this as meaning any person or corporation authorized to be in possession of the property under the contract) agrees to carry to its unusual place of delivery at said destination, if on its route, otherwise to deliver to another carrier on the route to said destination. This titll of Lading is a receipt for goods; it is not of limit' a contract of carriage, it is mutually agreed, as to each carrier of all or as to any said over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the terms and conditions contained in the applicable contract between shipper and carrier or intermediary.

11c)

For payment: Charges to be billed to Shipper or the "Billed to" party are set forth in the governing contract with Shipper. No charges other than those contained therein may be billed to Shipper or the "Billed to" party without prior written consent of Shipper. The entra copy of this Bill of Lading, furnished at the time of shipment, must be attached to the freight bill submitted to Shipper or the "Billed to" party and sent to:

CONSIGNED TO:
CES Environmental Services, Inc.
4904 Griggs Rd.
Houston , TX 77021

CARRIER:
CES Environmental Services, Inc.
4904 Griggs Rd.
Houston , TX 77021

Houston , TX 77021

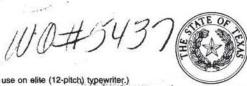
This is to certify that the product stated below are properly classified, described, packaged, marked and labeled and is in proper condition for transportation according to the applicable regulations of the Department of Transportation. If this Shipment moves between to ports by a carrier by water, the law requires that the Bill of Lading shall state whether it is "carrier's or shipper's weight."

Intermodal Certificate: All Information required by Federal Highway Administration regulations at 49 CFR 330.546 Implementing the Intermodal Safe Container Act of 1992 is set forth on the face of this bill of lading. The shipper name herein is the tendening party.

Haz	Con	tolerer	Total	Unit	Description of Materials, Special Marks, and	d Exceptions
	No.	Туре	Quantity	WtVol		
No	1	TT	450	G	Recyclable hydrocarbon and wat	er mixture
No				(		
No	4	it.	<b>~</b>			7
No			1.		1, 1, 3	
		VAM-F			7 1	
				35	signature: x Royal Congressions	Date: 10-8-07
Carr	ier C	ES Env		ital Servic		Date: 10-8-07
C <b>arr</b> Per	ier C	ES Env	vironmen	tal Servic	es, Inc.	34-
C <b>arr</b> Per	ier C : <u>J</u>	ES Env	vironmen	tal Servic	ses, Inc.	34-

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY P.O. Box 13087

Austin, Texas 78711-3087



Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form approved. OMB No. 2050-0039.

Ū	JNIFORM HAZARDOUS WASTE MANIFEST	1. Generator's US		Pocument No.	2. Pa	- IIIIOIIII		he shaded area by Federal lav
	vAM-PTS 19210 Herdy Rd Houston TX, 77073 herator's Phone ( ) (281) 2	30-5747				ate Generator's	412	
5. Tran	nsporter 1 Company Name	6				ate Transporter		
	CES Environmental Serv		TXD00895			ansporter's Pho		100 M
7. Trai	nsporter 2 Company Name	8	B. US EPA ID Nu	mber	A SHARE SHOWING	ate Transporter	CALL STREET, S	
Q Dec	signated Facility Name and Site Addr	966 1	0. US EPA ID Nu	mher	SPATROCKS STATE	ensporter's Phor ate Facility's ID	118	
J. D03	D0000000 VEV 12	033	0. 00 E/ // 10 No	moor			8000	
	US Ecology P.O. Box 307 Robetown TX, 78380	1	TXD06945	2340	H. Fa	cility's Phone	900) 242	
11A. HM	11. US DOT Description (including F Number and Packing Group)	Proper Shipping Nam		12. Conta No.	iners Type	13. Total Quantity	14. Unit Wt/Vol	I. Waste No.
X	a. RQ, Waste environmentally had UN3077, PG II (Debris)	zardous substance	e (lead), 9,	.5.	DM	600.	labs	OCCUPATION N
	b.					, , , ,		
	С.	11						
	d.						1 100	
	u.			1	193		103	<b>第二</b> 种
				4				
J. Add	itional Descriptions for Materials Liste	ad Above 258 Job 9 - 2217	Tal		K. Ha	ndling Codes to	r Wastes	Listed Above
	US Ecology #09-004-7721 C	256 Job 6 - 2217	Τω	#	K. Ha			Listed Above
		ional Information		#	K. Ha			Listed Above
16. GE clarent if I be and selo	ecial Handling Instructions and Addit Emergency Contact: Sean Easter Sean Easter Sean Easter Sean Easter Sean Easter English E	ional Information on (713) 416-4160 declare that the content lacarded, and are in all plicable state regulatio at I have a program in selected the practicable vironment; OR, if I am	is of this consignment are fill respects in proper conditions. place to reduce the volume retrieved of treatment, store a small quantity generator, and that I can afford.	ully and accurate on for transport e and toxicity of age, or disposal	ely desc by high waste ( currently	ribed above by proway according to generated to the drawailable to me w	pper shippir applicable legree I havhich mining te my waste	ng name and are international and we determined to nizes the present e generation and
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# ENCLOSURE 3 GENERAL NOTICE LETTER REGARDING CES ENVIRONMENTAL SERVICES, INC.- HOUSTON HOUSTON, HARRIS COUNTY, TEXAS

# ENTITIES TO WHICH THIS GENERAL NOTICE WILL BE MAILED

The Lubrizol Corporation

Advanced Aromatics, L.P.

AMTEX Machine Products, Inc.

Andergauge Drilling Systems

Arkema Inc.

**Ball Corporation** 

Canrig Drilling Technology Ltd.

Century Asphalt (Humble) d/b/a for Baytown Asphalt Materials, Ltd.

Champion Technologies (Merged into Nalco Company)

Citgo Petroleum Corporation (Citgo Refinery)

Cross Oil & Refining & Marketing, Inc..

Dover Corporation - Cook Compression (C Lee Cook)

Evalca Company of America

KMCO, Inc. (new name is Ramsey Properties, L.P.)

PGI International. LTD (merged into Parker-Hannifin Corporation)

Philip Reclamation Services Houston, LLC

Plaquemine Point Shipyard, Sunshine, LA

PPG Industries, Inc.

Praxair, Inc.

**Proler Southwest** 

Quest Chemical Corporation

RasGas in Qatar @ KMTEX

Sierra Chemical Corporation

Skyhawk Chemicals, Inc.

Smithfield BioEnergy, LLC

Sun Coast Resources, Inc.

- T. T. Barge Mile (Barge Mile 183, 237)
- T. T. Barge Cleaning Mile 183, Inc. (d/b/a T.T. Barge [Mile 183])
- T. T. Barges Services Mile 237 LLC (d/b/a T T Barge Mile [Barge Mile 237])

T.T. Barge (Mile 237)

T3 Energy Services-Cypress

**Taber Extrusions** 

Targa Midstream Services LP

Tenaris Coiled Tube, LLC (Beitway 8) a-k-a Precision Tube

Texas Oil Tools, NOV (Conroe)

Texas Water Management
Total Petrochemicals, Inc. - Port Arthur
Transmontainge Product Service
Valero Refining-Texas, L.P. (d/b/a Valero Refining Co of Texas)
ZaCh System Corporation (Ampac)

# ENCLOSURE 4 GENERAL NOTICE LETTER REGARDING CES ENVIRONMENTAL SERVICES, INC.- HOUSTON HOUSTON, HARRIS COUNTY, TEXAS

SMALL BUSINESS RESOURCES FACT SHEET



# Office of Enforcement and Compliance Assurance

# INFORMATION SHEET

### U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

# **Compliance Assistance Centers**

(www.assistancecenters.net)

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

Agriculture (www.epa.gov/agriculture or 1-888-663-2155)

Automotive Recycling Industry (www.ecarcenter.org)

Automotive Service and Repair (vww.ccar-greenlink.org or 1-888-GRN-LINK)

Chemical Industry (www.chemalliance.org)

Construction Industry (www.cicacenter.org or 1-734-995-4911)

Education (www.campuserc.org)

Healthcare Industry (www.hercenter.org or 1-734-995-4911)

Metal Finishing (www.nmfrc.org or 1-734-995-4911)

Paints and Coatings (www.paintcenter.org or 1-734-995-4911)

Printed Wiring Board Manufacturing (www.pworc.org or 1-734-995-4911)

Printing
(www.pneac.org or 1-888-USPNEAC)

Transportation industry (www.transource.org)

Tribal Governments and Indian Country (www.epa.gov/tribal/compliance or 202–564-2516)

US Border Environmental Issues (www.bordercenter.org or 1-734-995-4911)

The Centers also provide State Resource Locators (www.envcap.org/statetools/index.cfm) for a wide range of topics to help you find important environmental compliance information specific to your state;

### **EPA** Websites

EPA has several internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the internet at your business, many public libraries provide access to the internet at minimal or no cost.

EPA's Home Page www.epa.gov

Small Business Gateway www.epa.gov/smallbusiness

Compliance Assistance Home Page www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance www.epa.gov/compliance

Voluntary Partnership Programs www.epa.gov/partners

Office of Enforcement and Compliance Assurance: http://www.epa.gov/compliance



# Hotlines, Helplines & Clearinghouses

(www.epa.gov/epahome/hotline.htm)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. A few examples are listed below:

Clean Air Technology Center (www.epa.gov/ttn/catc or 1-919-541-0800)

Emergency Planning and Community Right-To-Know Act (www.epa.gov/superfund/resources/infocenter/epcra.htm-or 1-800-424-9346)

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information. (www.epa.gov/sbo or 1-800-368-5888)

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers (www.epa.gov/clearinghouse)

National Response Center to report oil and hazardous substance spills. (www.nrc.uscg.mil or 1-800-424-8802)

Pollution Prevention Information Clearinghouse (www.eps.gov/opplintr/ppic or 1-202-566-0799)

Sale Drinking Water Hotline (vww.epa.gov/salewater/hotline/index.html or 1-800-426-4791)

Stratospheric Ozone Refrigerants Information (www.epa.gov/ozone or 1-800-296-1996)

Toxics Assistance information Service also includes asbestos inquiries, (1-202-554-1404)

Wetlands Holpline (www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828)

#### State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or the following two resources:

EPA's Small Business Ombudsman (www.epa.gov/sbo or 1-800-368-5888)

Small Business Environmental Homepage (www.smallbiz-enviroweb.org or 1-724-452-4722)

#### Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated.

businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses:

The Small Business Compliance Policy (www.epa.gov/compliance/incentives/smallbusiness)

Audit Policy (www.epa.gov/compliance/incentives/auditing)

## Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an SBA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees, or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

#### Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards. you still have the duty to comply with the law, including providing timely responses to EPA information requests. administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.